

REMARKS

New claims 26-30 have been added. Claims 1-30 are pending. No new matter has been added as a result of this amendment. Support for the amendments can be found in the present application in the Figures and on p. 9, lines 15-19; p. 15, lines 24-30; p. 19, lines 10-16; and p. 19, line 30 – p. 20, line 2.

35 U.S.C. § 102 Claim Rejections

All the claims were rejected as being unpatentable over Newbold (US 5,660,313).

According to the Examiner, Newbold allegedly “discloses a dispenser5 system for wipes comprising: a dispenser, a wiper blade 56; wipes, the wipes comprising a contained agent; and a gap in the dispenser; the wipes are capable of being positioned through the gap; the dispenser is secured to a conventional dry bath tissue dispenser and at least one surface by means of the mounting assembly (see Figure 1).”

The Examiner fails to point out is where or how Newbold discloses “wipes containing a contained agent” in accordance with claims 1, 8, and 16. In addition, the Examiner fails to identify how Newbold discloses a wiper blade exerting pressure on the wipes sufficient to moisten the sheet or to effect release of a contained agent in accordance with cl. 8, 16, 25. Claims 1 and 16 are directed to a wipes dispensing system or a method of using such wherein the wiper blade exerts pressure sufficient to moisten the sheet or wherein a contained agent is released from a portion of the wipe that is outside the dispenser. Claim 8 is directed to a method for dispensing wipes in which the pulling wipes from the dispenser exerts a force such that the contained agent is released.

The specification describes the use of contained agents in wipes providing a “dry feel” wherein application of a force releases the contained agent to moisten the sheet:

"These embodiments may further comprise wipes which have a dry feel; wipes wherein the agent is contained in an emulsion, in microcapsules; and/or in a membrane..." (p. 2, lines 24-26)

"...the dispensing of a sheet or sheets causes sufficient shear to be applied to the wipe to permit the moisture to be released. For example, this force of shear may be sufficient to cause microcapsules of fluid to burst or may be sufficient to rupture a protective emulsion which contains the fluid." (p. 15, lines 26-30)

"The moisture in these wipes is encapsulated so that the wipes are dry during storage and handling. The forces on the wipe during use cause the moisture to be released, resulting in a wipe which is wet." (p. 19, lines 11-13)

"...the force exerted by the wiper assembly is such that it breaks or ruptures the structure encapsulating the moisture, making the wipe moist as it is dispensed." (sentence abridging pp. 19-20)

Newbold discloses a premoistened toilet paper and a dispenser in which the toilet paper passes through a slot in the container of the dispenser.

Newbold's toilet paper is already moistened; a key objective of Newbold's dispenser is to prevent the premoistened paper from drying (col. 1, lines 37-39, 58-60). Accordingly, Newbold's invention is predicated on *maintaining* the paper's moistened state. In contrast, the claimed invention is predicated on *changing* the moisture of the paper through e.g., release of a contained agent from a sheet having a dry feel.

The Examiner construes the lip 56 (located above the slot 30) as constituting a wiper blade in accordance with the claimed subject matter. Newbold discloses teeth 58 extending from the lip 56, which aid in tearing toilet paper 18 along perforations 44 in the roll (col. 3, lines 29-32). Newbold's lip is said to provide a cutting mechanism perforated, premoistened sheets (col. 1, lines 64-66). However, Newbold provides no suggestion of the lip 56, wiper blade or cutting mechanism exerting pressure sufficient to: moisten the sheet; modify the availability of moisture in a sheet (cl. 1, 13-16, 21); or release a contained agent (cl. 8, 25) from a wipe having a dry feel (cl. 2, 9, 17). Newbold does not in any way suggest that tearing the premoistened sheet modifies sheet moisture in any way. The sheet is already moistened and there is no suggestion

of a wiper blade exerting pressure to further modify sheet moisture. To do so would be contrary to Newbold's explicitly stated objective of *maintaining* a wet sheet.

It should be further noted that Newbold does not disclose compositions or methods comprising wipes having "a dry feel" (cl. 2, 9, 17), nor does Newbold disclose contained agents contained "in an emulsion" (cl. 3, 10, 18), "in microcapsules" (cl. 4, 11, 19) or "contained in a membrane" (cl. 5, 12, 20). The Examiner is silent with regard to these limitations. Even if the Examiner were to implicitly construe water in Newbold's premoistened sheets as a contained agent, Newbold does not provide any basis for suggesting that water is contained in the premoistened paper in a state from which it is released in conjunction with a moistening process, *e.g.*, from an emulsion, microcapsule membrane etc. In other words, there is nothing to suggest that Newbold's premoistened sheets become moister when exerting pressure through anything even broadly construed as a wiper blade according to the present invention.

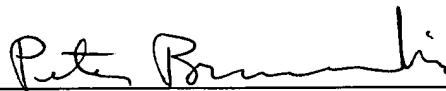
Because Newbold fails to disclose each and every limitation, there is no *prima facie* case for anticipation. Given the insufficient evidence in support of anticipation, Applicant respectfully requests the pending rejection to be withdrawn. It is believed that this application is now in condition for allowance. Such action is respectfully requested. If for any reason the Examiner is unable to allow the application in the next Office Action, Applicants respectfully request an interview with the undersigned attorney or agent to discuss any outstanding issues.

of a wiper blade exerting pressure to further modify sheet moisture. To do so would be contrary to Newbold's explicitly stated objective of *maintaining* a wet sheet.

It should be further noted that Newbold does not disclose compositions or methods comprising wipes having "a dry feel" (cl. 2, 9, 17), nor does Newbold disclose contained agents contained "in an emulsion" (cl. 3, 10, 18), "in microcapsules" (cl. 4, 11, 19) or "contained in a membrane" (cl. 5, 12, 20). The Examiner is silent with regard to these limitations. Even if the Examiner were to implicitly construe water in Newbold's premoistened sheets as a contained agent, Newbold does not provide any basis for suggesting that water is contained in the premoistened paper in a state from which it is released in conjunction with a moistening process, *e.g.*, from an emulsion, microcapsule membrane etc. In other words, there is nothing to suggest that Newbold's premoistened sheets become moister when exerting pressure through anything even broadly construed as a wiper blade according to the present invention.

Because Newbold fails to disclose each and every limitation, there is no *prima facie* case for anticipation. Given the insufficient evidence in support of anticipation, Applicant respectfully requests the pending rejection to be withdrawn. It is believed that this application is now in condition for allowance. Such action is respectfully requested. If for any reason the Examiner is unable to allow the application in the next Office Action, Applicants respectfully request an interview with the undersigned attorney or agent to discuss any outstanding issues.

Respectfully submitted,



Peter Brunovskis
Registration No. 52,441
Agent for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200